

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VERONICA SEDA,

Plaintiff,

Civil No. _____

vs.

SUNBEAM PRODUCTS, INC.,
and NEWELL BRANDS, INC.,

Defendants.

TO: **United States District Court
Southern District of New York**

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, and Local Rule 81, Defendants, Sunbeam Products, Inc. and Newell Brands, Inc., by their attorneys, Goldberg Segalla LLP, submits this Notice of Removal from the Supreme Court, State of New York, County of Bronx, in which the above captioned matter is now pending, to the United States District Court for the Southern District of New York. In support of said Notice, defendant states as follows:

Procedural History

1. Plaintiff filed her Complaint in the Supreme Court, State of New York, County of Bronx, on or about July 1, 2022. The Complaint does not state the amount of damages that will be sought.
2. Pursuant to Local Rule 81.1(5), Defendants state that they were served on July 26, 2022.

3. An index of all documents filed in State Court is attached hereto as Exhibit A, and a copy of pleadings to date is attached hereto as Exhibit B.

Parties

4. Plaintiff's Complaint alleges residence in Bronx County, State of New York.

5. Defendant Sunbeam Products, Inc., is incorporated under the laws of the state of Delaware, with its principal place of business in Boca Raton, Florida.

6. Defendant Newell Brands, Inc., is incorporated under the laws of the state of Delaware, with its principal place of business in Atlanta, Georgia.

7. Based on the foregoing, full diversity exists between the parties.

Jurisdiction

8. This This Court has subject-matter jurisdiction of the action pursuant to 28 U.S.C. § 1332 in that it is a civil action between citizens of different states, and the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

9. Plaintiff's Complaint brings counts of Strict Liability, Negligence, Breach of Implied Warranty, Failure to Warn, and Strict Liability for Manufacturing Defect, for which Plaintiff claims "severely painful and permanently disfiguring burns to her body, incurred medical expenses, and pain and suffering and will continue to incur medical expenses and experience pain and suffering into the future." (Plaintiff's Complaint, ¶ 13). Plaintiff further alleges punitive damages. Based on the above, it is Defendants' understanding and belief that the amount in controversy exceeds \$75,000, exclusive of interests and costs.

Basis for Removal

10. This Court has subject-matter jurisdiction on the basis of diversity of citizenship under 28 U.S.C. § 1332. Venue is proper pursuant to 28 U.S.C. § 1441(a) as this is the federal district court for the district embracing the place where the state court suit is pending.

11. For the reasons set forth above, the amount in controversy exceeds \$75,000, exclusive of interests and costs. This notice of removal is filed within 30 days of receiving notice that the Complaint had been filed.

12. As required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon Plaintiffs, by and through their attorney of record, and is being filed with the Clerk of the Court of the State of New York, Supreme Court, County of Bronx, Bronx County Clerk's Office.

13. Copies of all process, pleadings, and orders served upon Defendants in the State of New York Supreme Court, County of Bronx, Index No. 809778/2022E, are attached hereto as Exhibit B.

WHEREFORE, Defendants file this Notice of Removal so that the entire state court action under Index No. 809778/2022E now pending in the State of New York, Supreme Court, County of Bronx be removed to this Court for all further proceedings.

Dated: New York, New York
August 12, 2022

Respectfully submitted,

GOLDBERG SEGALLA LLP



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CERTIFICATE OF SERVICE

Matthew Miller, Esq. counsel for Defendants, hereby certifies that on the 12th day of August 2022, he served a copy of the within **NOTICE OF REMOVAL and supporting exhibits** via ECF upon all counsel of record.



Matthew G. Miller, Esq.